

## **Applications to provide Local Exchange, Basic Local Exchange and Interexchange Telecommunications Service in Missouri**

Applications to provide Local Exchange and Interexchange Telecommunications Service in Missouri must comply with the Laws of Missouri and the Official Rules of the Public Service Commission. The Application Rules may be found in 4 CSR 240-3.510 and 4 CSR 240-2.060 of the Official Code of State Regulations. The laws are contained in Chapters 386 and 392 of the Revised Statutes of Missouri available at [http://psc.mo.gov/General/PSC\\_Rules\\_Statutes](http://psc.mo.gov/General/PSC_Rules_Statutes).

The following Information is a summary of the items required to be included in an application to provide service. It is the responsibility of you, the Applicant, to conform to all statutes and rules. Please consult the Official Rules and Laws prior to filing an application to provide service. If you are in doubt, consult your attorney.

### **(A) General Information**

1. Applications are encouraged to be made electronically. Contact the Commission's Data Center at 573-751-7496 for assistance and for information to file applications electronically. Information may also be requested by e-mail at [pscinfo@psc.mo.gov](mailto:pscinfo@psc.mo.gov).
2. All applications should be addressed to:  
Secretary of the Commission  
Missouri Public Service Commission  
P.O. Box 360  
200 Madison Street  
Jefferson City, Missouri 65102-0360
3. All applicants, whether established electronically or via paper filing, are required to establish and maintain current company contact information in the Commission's Electronic Filing and Information Systems (EFIS) database.
4. All telecommunications companies and Voice over Internet Protocol companies are required to maintain MoPSC annual reports and other annual filings.
5. All applications made by corporations are required to be filed by an attorney licensed to practice law in Missouri. A list of attorney law offices who regularly practice telecommunications law before the commission is provided as a public service and is available on the Commission's web site <http://psc.mo.gov/telecommunications>.

### **(B) Applications for a certificate of service authority to provide telecommunications services, whether interexchange, local exchange, or basic local exchange, shall include—**

1. A request to be classified as a competitive telecommunications company and a description of the types of service the applicant intends to provide;
2. The legal name of the applicant and a brief description of its legal organization, whether a Missouri corporation, foreign corporation, partnership, proprietorship, or other business organization, the street and mailing address of the principal office or place of business of the applicant and the applicant's electronic mail address and telephone number.
3. If the applicant is a Missouri corporation, a Certificate of Good Standing from the secretary of state;

4. If the applicant is a foreign corporation, a certificate from the secretary of state that it is authorized to do business in Missouri;
5. If the applicant is a partnership, a copy of the partnership agreement;
6. If the applicant does business under a fictitious name, a copy of the registration of the fictitious name with the Missouri Secretary of State;
7. If the applicant is a political subdivision, a specific reference to the statutory provision and a specific reference to any other authority, if any, under which it operates;
8. If the applicant has submitted the applicable information as set forth in 2 through 7 above in a previous application, the same may be incorporated by reference to the case number in which the information was furnished, so long as such applicable information is current and correct;
9. A brief statement of the character of business performed by the applicant;
10. The name, title, address, and telephone number of the person to whom correspondence, communications, and orders and decisions of the commission are to be sent, if other than to the applicant's legal counsel;
11. If the applicant is an association, a list of all of its members;
12. A statement indicating whether the applicant has any pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which action, judgment, or decision has occurred within three (3) years of the date of the application;
13. A statement that no Missouri Public Service Commission annual report or assessment fees are overdue;
14. A statement as to whether the applicant wishes to provide all retail services via a tariff, or if it wishes to be exempt from tariff filing requirements pursuant to §392.461 RSMo. By choosing to make available all retail telecommunications services only on its website, the applicant must provide the Uniform Resource Locator of the website. If the applicant wishes to provide service via a tariff, it must file and receive Commission approval of the tariff prior to providing service. Although filing a tariff simultaneously with the application is optional, all proposed tariffs must be filed with a proposed effective date which is not fewer than thirty (30) days after the tariff's issue date.
15. A statement that the applicant will undertake all necessary measures to ensure its contracts with other carriers do not contain provisions preventing delivery of traffic to any telephone exchange area, and that such measures include but are not limited to:
  - Prevention of call blocking and/or call gapping based on the cost of traffic termination.
  - Preventing the alteration or stripping of Calling Party Number Identification.
  - Ensuring sufficient network capacity exists to process all traffic according to industry accepted practices.
16. A specific listing of the statutes and rules for which the applicant seeks a variance and, the statutory reference to the section for which the variance is sought, and the reasons for which the Commission should consider the variance.
17. All applications shall be subscribed and verified by affidavit under oath by one (1) of the following methods: if an individual, by that individual; if a partnership, by an authorized member of the partnership; if a corporation, by an authorized officer of the corporation; if a municipality or political subdivision, by an authorized officer of the municipality or political subdivision; or by the attorney for the applicant if the application includes or is accompanied by a verified statement that the attorney is so authorized.

**(B) If the application is for basic local exchange service authority, in addition to the items above, the application shall also include the following:**

1. The exchange(s) in which service is to be offered;
2. An affidavit signed by an officer of the applicant stating that the applicant possesses sufficient technical, financial, and managerial resources and abilities to provide basic local telecommunications service. This affidavit shall also affirm that the applicant, its parent company, affiliates, and principals have not defaulted on any of their financial obligations within the last three (3) years. If the applicant and/or its parent company have no historical credit experience, then the affidavit shall state that the applicant has access to capital sufficient for the start-up operations of the applicant. The affidavit shall be accompanied by adequate documentation to demonstrate that the applicant possesses sufficient technical, financial, and managerial resources and abilities to provide basic local telecommunications service;
3. A statement that the applicant will satisfy the minimum standards established by the commission;
4. A statement that, notwithstanding the provisions of Section 392.500, RSMo., as a condition of certification and competitive classification, the applicant agrees that, unless otherwise ordered by the Commission, its originating and terminating switched access rates will be no greater than the lowest Commission-approved corresponding access rates in effect for each I-LEC within whose service area the applicant provides service.
5. A statement that sets forth the geographic area in which the applicant proposes to offer service and demonstrates that such area follows exchange boundaries of the incumbent local exchange telecommunications company and is no smaller than an exchange;
6. A statement that the applicant will offer basic local telecommunications service as a separate and distinct service;
7. A statement that the applicant will give equitable access to all Missourians, regardless of where they live or their income, to affordable telecommunications services.

**The Following is a Sample Application to Provide Non-Switched Local and Interexchange Telecommunications Service. Applications to Provide Basic Local Telecommunications Service require additional Information. Please modify the Sample Application to fit your individual needs.**

(Begin Sample Here)

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the matter of the Application of [Company	)	
Name] for Certificate of Service Authority to	)	
provide Interexchange and Non-Switched	)	Case No.
Local Exchange Telecommunications Services	)	
in the State of Missouri.	)	
	)	
	)	
	)	
	)	

**APPLICATION FOR CERTIFICATE OF SERVICE AUTHORITY TO PROVIDE INTEREXCHANGE AND NON-SWITCHED LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES IN MISSOURI**

Comes now [Company Name], (“Company” or “Applicant”), pursuant to Sections 392.361, 392.410, 392.420, 392.430, 392.440, and 392.470, RSMo, and 4 CSR 240-2.060 and 240-3.510, and in support of its Application for a certificate of service authority as an interexchange and non-switched local exchange telecommunications service carrier to provide telecommunication services in the State of Missouri and to classify said services as competitive, states to the Missouri Public Service Commission (“Commission”) as follows:

1. [Company Name] is a corporation duly organized and existing under and by virtue of the laws of [State]. Its headquarters and principal place of business are located at [Company Address], and its telephone number is [Phone Number]. A copy of the

Applicant's Certificate of Good Standing from the [Insert State] Secretary of State's Office is attached as **Appendix A**. A copy of its Certificate of Registration to do business in Missouri is attached as **Appendix B**.

2. All inquiries, correspondence, communications, pleadings, notices, orders, and decisions relating to the case should be addressed to:

[Insert Contact Name and Information]

3. [Company Name] provides telecommunication services. Specifically, [Company] intends to provide Missouri Telecommunications Services in [state where you will provide service].

4. [Company] seeks Commission certification to provide telecommunications service in Missouri. Specifically, [Company] seeks authority as an interexchange and non-switched local exchange telecommunications service carrier to offer and provide telecommunication services, pursuant to Sections 392.430, 392.440, and 392.470, RSMo.

5. The Commission may grant [Company] a certificate of service authority as an interexchange and non-switched local exchange telecommunications service carrier to provide telecommunication services if the Commission finds such authority to be in the public interest. Approval of this Application will serve the public interest because [Company's] proposed Services are consistent with the public interest and with the legislative goals set forth in the federal Telecommunications Act of 1996 and Chapter 392 RSMo. Approval of this Application will expand the availability of innovative, high quality, and reliable telecommunications services within the State of Missouri.

6. [Company Name] seeks classification of itself and its services as competitive. Applicant submits that the services it provides are subject to sufficient competition to justify competitive classification and promote the public interest. See Section 392.361. Expedious grant of this Application will further competition and allow [Company Name] to compete with

other companies, consistent with the Commission's policies and the legislative goals set forth in the federal Telecommunications Act of 1996 and Chapter 392 RSMo. Applicant submits that the public interest will be served by Commission approval of this application because Applicant's proposed services will create and enhance competition and expand customer service options. Approval will also expand the availability of innovative, high quality, and reliable telecommunications services within the state of Missouri. Accordingly, all the services by which [Company Name] proposes to provide should be designated as competitive, and [Company Name] should be designated as a competitive telecommunication company.

7. [Company Name] will not unjustly discriminate among its customers as is prohibited by Section 392.200 RSMo. Applicant is willing to comply with all applicable Commission rules, except those which are specifically waived by the Commission. Consistent with the Commission's treatment of other certificated interexchange telecommunications carriers, [Company Name] requests that the following statutes and regulations be waived for [Company Name] with respect to its interexchange service offerings, pursuant to Sections 392.361.5 and 392.420, RSMo:

Statutes:

- 392.210.2 Accounting requirements (system of accounts)
- 392.240.1 Reasonableness of rates
- 392.270 Accounting requirements (valuation of property)
- 392.280 Accounting requirements (depreciation rates/accounts)
- 392.290 Issuance of stocks, bonds and other indebtedness
- 392.300 Transfer of property and ownership of stock
- 392.310 Approval of issuing stocks, bonds and other indebtedness
- 392.320 Certificate of Commission to be recorded-stock dividends
- 392.330 Accounting requirements (proceeds of sales of stock, bonds, notes, etc.)
- 392.340 Company reorganization

Rules:

- 4 CSR 240-3.520 Applications to sell or transfer assets
- 4 CSR 240-3.525 Applications to merge or consolidate
- 4 CSR 240-3.530 Applications to issue stocks, obtain loans
- 4 CSR 240-3.535 Applications to acquire stock
- 4 CSR 240-3.545(8)(C) Listing of Waivers in Tariff
- 4 CSR 240-3.550 Telco Records and Reports (except (5)(B), (D) and (E))

- 4 CSR 240-3.555 Residential Customer Inquiries
- 4 CSR 240-3.560 Procedure for Ceasing Operations
- 4 CSR 240-10.020 Depreciation Records
- 4 CSR 240-30.020 Residential Telephone Underground Systems
- 4 CSR 240-30.040 Uniform System of Accounts
- 4 CSR 240-32.010 General Provisions
- 4 CSR 240-32.040 Metering, Inspections and Tests
- 4 CSR 240-32.050 Customer Services
- 4 CSR 240-32.060 Engineering and Maintenance
- 4 CSR 240-32.070 Quality of Service
- 4 CSR 240-32.080 Service objectives and surveillance levels
- 4 CSR 240-32.090 Connection of equipment and Inside Wiring
- 4 CSR 240-32.100 Provision of Basic Local and Interexchange Services
- 4 CSR 240-32.130-170 Prepaid Calling Cards (except 32.140 and 32.150(1))
- 4 CSR 240-32.180-190 Caller ID blocking requirements
- 4 CSR 240-33.010 Service and Billing Practice General Provisions
- 4 CSR 240-33.040 Billing and Payment standards
- 4 CSR 240-33.045 Clear identification and placement of charges on bills
- 4 CSR 240-33.050 Deposits
- 4 CSR 240-33.060 Residential Customer Inquiries
- 4 CSR 240-33.070 Discontinuance of service
- 4 CSR 240-33.080 Disputes by Residential Customers
- 4 CSR 240-33.090 Settlement agreements with residential customers
- 4 CSR 240-33.130 Operator service requirements
- 4 CSR 240-33.140 Payphone requirements (except (2))
- 4 CSR 240-33.150 "Anti-slamming" requirements
- 4 CSR 240-33.160 Customer Proprietary Network Information

8. [Company Name] does not have any pending action or final unsatisfied judgment or decisions against it from any state or federal agency or court which involves customer service or rates, which action, judgment, or decision has occurred within three (3) years of the date of application.

[Provide a description if there are actions, judgments and/or decisions].

9. [Company Name] does not have any overdue annual reports or assessment fees due the Missouri Public Service Commission.

10 [Company Name] possesses the necessary financial resources to provide the requested services.

11. [Use this area to describe the applicant's intentions to provide service via tariff or web site, the following is by way of example]. Applicant elects to provide its retail services by means of a Commission-approved tariff and accordingly requests a temporary waiver of 4 CSR 240-3.510(1)(C), which requires that an application for a certificate of service authority as an interexchange

telecommunications carrier to provide telecommunications services shall include a proposed tariff with a 45-day effective date, but allows applicants the option of postponing tariff submittal. Applicant will file a tariff in a manner consistent with the Commission's practices in similar cases before providing service.

12. Applicant states that it will undertake all necessary measures to ensure its contracts with other companies and carriers do not contain provisions preventing delivery of traffic to any telephone exchange area, and that such measures include but are not limited to:

- Prevention of call blocking and/or call gapping based on the cost of traffic termination.
- Preventing the alteration or stripping of Calling Party Number Identification.
- Ensuring sufficient network capacity exists to process all traffic according to industry accepted practices.

WHEREFORE, applicant [Company Name] respectfully requests that the Commission grant it a certificate of service authority as an intrastate interexchange and non-switched local exchange telecommunications service carrier to provide telecommunication services as herein requested, grant competitive status to Applicant and Applicant's requested services, grant a waiver of the aforesaid statutes and regulations set forth in this Application, and grant such other relief as the Commission deems appropriate.

Respectfully submitted,

Attorney Signature

Attorney information

Attorney for [Company Name]



Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent by electronic submission, hand delivered or sent by U.S. Mail, postage prepaid, this xx Day of Month, Year to:

Office of the Public Counsel

General Counsel

PO BOX 7800

Missouri Public Service Commission

Jefferson City, Missouri 65102

P.O. Box 360

Jefferson City, Missouri 65102

[Signature]

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[Name]